

**REMARKS/ARGUMENTS**

Claims 1, 5-9, 12, 15, 17-19, 21-27 and 30 are currently pending in the application. By virtue of this response, claims 1, 6, 7,8,9,15,17, 21, 23, and 25-27 have been amended and claims 12, 18, 22, and 24 have been cancelled.

Initially, and in response to the double patenting rejection in paragraph 2 of the Office Action, Applicant encloses herewith an appropriate executed terminal disclaimer.

Applicant further acknowledges with appreciation the indication that the subject matter of claim 19 is allowable over the prior art.

Claims 1 and 5-9 currently stand rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 4,892,238 to Pinczykowski. Claims 1, 5-8, 15, 17 and 18 currently stand rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 5,890,640 to Thompson. Claims 12, 21-26 and 30 currently stand rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 4,054,256 to Buck, Jr. et al. Claim 27 currently stands rejected under 35 USC 103(a) as being unpatentable over Buck, Jr. et al in view of US Patent No. 5,351,921 to Chen.

The rejections above are traversed and should be withdrawn in view that claims 1,6,7,8,9,15,17,21,23, and 25-27, as presently amended, are neither anticipated nor rendered obvious by any of the references of record as discussed in more detail below.

Initially, Applicant has amended independent claim 1 to recite in pertinent part that the clip is adapted for use with a pack (not an article) intended to store and carry articles and be carried in an over-the-back relationship. Claim 1, as amended, recites that the pack defines a

generally vertical front panel and a generally horizontal closed bottom panel. Claim 1 has further been amended to recite that the clip is defined by an elongate continuous strip of material which has been bent and shaped to define a central body and a pair of arms extending outwardly from opposed ends of the central body and adapted to engage against the waist or hips of the user. Further, claim 1 has been amended to recite that the clip and, more specifically, the central body thereof extends along the bottom panel of the pack in a generally horizontal relationship. Still further, claim 1 has been amended to recite that the arms of the clip are adapted to extend through openings defined in the front panel in a generally horizontal relationship normal to the front panel.

These amendments do not introduce any new matter and are supported in for example FIGS. 1 and 2 and paragraphs 39-41 of the subject application which show and describe a pack 102 defined in part by a generally vertical front panel 104 and a generally vertical closed bottom panel 112. The clip 100, as shown in FIG.1, is defined by an elongate strip of material which has been bent so as to define a central body 124 and a pair of spaced apart arms 126 and 128. Clip 100 and, more specifically, central body portion 124 thereof, as also shown in FIG. 1, extends along the bottom panel 112 of the pack 102 in a generally horizontal relationship. The arms 126 and 128 extend outwardly from opposed ends of the central body through openings defined in the front panel of the pack.

This configuration and placement of the clip 100 along the bottom panel of the pack of course positions the arms of the clip in a relationship wherein they are adapted to engage against the waist and/or hips of the user of the pack when the pack is being carried by the user in its

over-the-back relationship.

More specifically, and as described in for example paragraphs 0044-0047 of the specification, Applicant initially specifically recognized the problem associated with today's packs which concentrate all of the weight and contents of a pack in either the shoulders or the back of the individual carrying the pack. Applicant further recognized the increased strength of the waist and/or hips of an individual and thus addressed and solved the problem associated with today's packs by incorporating a clip located along the bottom panel of a pack which is adapted to engage against the waist and/or hips of the individual carrying the pack and advantageously cause the weight of the pack and of course the contents thereof to be transferred and redistributed from the shoulders and back of the user (as in currently available packs) to the waist and hips of the user.

Claim 1, as presently amended is not anticipated nor rendered obvious by any of the references of record. Specifically, independent claim 1, as amended, is not anticipated nor rendered obvious by Pinczykowski because the garment disclosed in Pinczykowski, while an article, is not a pack intended to be carried in an over-the-back relationship with at least a generally horizontal closed bottom panel which allows books and the like to be stored and carried therein. This distinction alone of course now differentiates and distinguishes the hanger/garment combination of Pinczykowski from the pack/clip combination as now recited in amended claim 1.

Moreover, and even if a garment could somehow be regarded to be a pack as now recited in amended claim 1, the hanger could not be said to extend in a generally horizontal

relationship along a closed bottom panel of the garment inasmuch as the garment includes an open bottom and the hanger is adapted to suspend the garment about the top open panel and open sleeve arms of the garment.

Still further, the arms of the hanger disclosed in Pinczykowski are adapted only to engage and extend through the sleeves of the garment so as to allow the hanger to hold and suspend the garment. The arms of the hanger are not in no way adapted to engage the waist and/or hips of the user of the garment. Only the waist of the garment is adapted to engage the waist of the individual wearing the garment.

Independent claim 1 as now amended is likewise not anticipated or rendered obvious by Thompson which discloses only a back pack with rods 26 and 28 adapted to extend in a generally vertical relationship along the length of the front panel of the pack. In accordance with the teachings in Thompson, the flexible frame provided by the rods allows the frame of the pack to bend and flex with the user's back as the user bends and twists his or her body while the pack is carried.

Independent claim 1 as amended however now recites that the clip of the present invention is an elongate continuous strip of material which has been bent and shaped to define a central body which extends in a generally horizontal relationship along the bottom panel of the pack and a pair of arms which protrude outwardly from opposed ends of the central body.

Thompson, on the other hand, discloses a pair of rods defining a pair of arms. Moreover, no portion of the arms defines a central body extending in a generally horizontal relationship along the bottom panel of the pack. Rather, the two rods disclosed in Thompson extend along the

length of the front panel of the pack in a generally vertical relationship.

For the reasons noted above, Claim 1 as amended is not anticipated or rendered obvious by either Pinczykowski or Thompson.

Dependent claims 2-4 have been cancelled without prejudice.

Dependent claim 5, being dependent upon allowable independent claim 1 as presently amended, is allowable for the same reasons as independent claim 1.

Independent claim 6 has been amended in a manner similar to claim 1 to recite that the clip is adapted for use with a pack (not an article) including at least a generally vertical front panel and a generally horizontal closed bottom panel and that the arms of the clip extend outwardly from the front panel of the pack in a generally horizontal relationship normal to the front panel.

Claim 6 has further been amended to recite that the clip is defined by a generally U-shaped strip of material which extends along the bottom panel of the pack in a generally horizontal relationship and is defined by a generally arcuate central body; and that the arms extend outwardly from opposed ends of the central body and the front panel of the pack in a relationship and direction generally normal to the front panel of the pack.

These amendments likewise do not introduce any new matter and are supported in for example FIGS. 1 and 2 and paragraphs 39 and 48 of the specification. The U shape advantageously allows the clip to be received and engage with the lower torso of the user when the pack is carried by the user.

Claim 6, as amended, is not anticipated nor rendered obvious by either Pinczykowski

or Thompson for the same reasons as discussed above with respect to claim 1. Moreover, claim 6 as amended is not anticipated nor rendered obvious by either Pinczykowski or Thompson because neither discloses the use of a U-shaped clip defined by a strip of material which extends along the bottom panel of a pack in a generally horizontal relationship. Both of the rods disclosed in the pack of Thompson extend along the front panel of the pack in a generally vertical relationship. Further, neither of the rods defines a generally U-shaped strip of material defined by a generally arcuate central body.

Independent claim 7 has been amended to specifically recite the location, orientation, and structure of the arms of the support member/clip of the present invention, i.e., features which are not taught or suggested in any of the cited references.

Specifically, independent claim 7 as amended recites that the bag is adapted to be carried in an over-the-back relationship; that the bag defines a generally vertical front panel and a generally horizontal closed bottom panel; and that the arms of the support member extend outwardly from opposed ends of a lower portion of the front panel in a generally horizontal relationship and direction generally normal to the front panel.

Independent claim 7 has been further amended to recite that the arms are made of a rigid and flexible material which allows the arms to be grasped by the user and flexed laterally away from each other for adjusting the width of the support member and further that the arms are adapted to spring or snap back towards each other into engagement with the waist and/or hips of the user when the arms are released by the user.

As described in for example in paragraphs 39 and 48 of the subject application, the

rigid but flexible and resilient nature of the material defining the clip and, more specifically, the arms thereof allows the clip to expand to accommodate differently sized waists when the pack is being mounted and further allows the arms to flex or contract back against the waist of the individual carrying the pack and exert a compressive or compressive force against the waist or hips to cause the redistribution of the weight of the pack and its contents from the shoulders and back to the waist and hips.

As described above, Pinczykowski discloses only a hanger for suspending a garment, not a back pack as recited in amended claim 7 with a member for supporting the back pack about the waist or hips of an individual carrying the back pack. Moreover, Thompson does not disclose or suggest a back pack with arms extending outwardly from a lower portion of the front panel in a relationship and direction generally normal to the front panel of the bag.

Moreover, none of the references disclose or suggest arms which are made of a rigid and flexible material which allows the same to be flexed away from each other for adjusting the width of the support member and then spring back towards each other into engagement with the waist and/or hips of the user.

Dependent claims 8 and 9, being dependent upon allowable independent claim 7 as presently amended, are allowable for the same reasons as independent claim 7.

Dependent claim 9 has been amended to recite that the clip includes a generally arcuate central body extending along the bottom panel of the bag in a generally horizontal relationship. Claim 9 further recites that the arms of the clip are interconnected at opposed ends of the central body.

These amendments likewise do not introduce any new matter and are supported in FIGS. 1 and 2.

Neither Pinczykowski nor Thompson discloses or suggests a clip with a body extending along the bottom panel of a bag in a generally horizontal relationship.

Claims 10-14 have been cancelled without prejudice.

Independent claim 15 has likewise been amended in a manner similar to independently claim 1 and thus the discussion above with respect to independent claim 1 is incorporated herein with respect to independent claim 15.

Independent claim 15 has additionally been amended to recite that the shell of the pack defines a longitudinal axis which extends through the shell and the bottom panel thereof in a direction and orientation generally normal to the bottom panel of the pack. Independent claim 15 has been further amended to recite that the support member extends within the interior of the pack in a generally horizontal relationship and in a direction generally normal to the direction of the longitudinal axis of the shell and further that the arms of the support member extend from within the interior of the pack through apertures defined in the front panel in a relationship and direction generally normal to the longitudinal axis of the shell.

These amendments do not introduce any new matter and are supported in FIG. 1 which shows a back pack which, although not specifically identified therein, necessarily defines an article which defines a longitudinal axis extending through the shell of the pack and, more specifically, through the bottom panel of the pack in a direction normal to the bottom panel. Thus, and as shown in FIG.1, it is understood that the support member and, more specifically, the



arms thereof extend within the interior of the pack and out through openings in the front panel of the pack in a generally horizontal relationship and direction which is generally normal to the direction of the longitudinal axis of the pack which extends through the bottom panel of the pack.

Thompson does not disclose or suggest a support member so oriented relative to the longitudinal axis of the pack. Specifically, Thompson discloses only a pack with a support member defined by a pair of rods, both of which extend in a direction and relationship parallel (rather than normal as in the present invention) to the longitudinal axis of the pack which extends through the bottom panel of the pack.

Thus, Thompson does not anticipate or render obvious the subject of independent claim 15 as presently amended.

Dependent claim 16 has been cancelled without prejudice.

Dependent claim 17, being dependent upon allowable independent claim 15 as presently amended, is allowable for the same reasons as independent claim 15.

Moreover, dependent claim 17 has been amended to recite that the support member includes a base which extends in a generally horizontal relationship along the bottom panel of the pack. As described above, Thompson discloses only rods extending in a generally vertical relationship along the front panel of the pack for the intended purpose of providing stiffness to the pack.

Thompson does not recognize, address, or solve the weight distribution problem associated with today's packs. The present invention, on the other hand, specifically discloses the use of a clip/support member extending along the bottom panel of the pack and including

arms adapted to engage the waist and hips of the user of the pack for redistributing the weight of the pack and its contents from the shoulders and back to the waist and hips of the user.

Dependent Claim 18 has been cancelled without prejudice.

Independent claim 19 has been allowed.

Dependent claim 20 has been cancelled without prejudice.

Independent claim 21 has been amended to read on the vertical golf bag shown in FIGS. 19 and 20 and described in paragraphs 77 and 78 of the subject application. Thus, no new matter has been added.

Specifically, independent claim 21 has been amended to recite that the golf bag 502 is adapted to be carried in a generally vertical over-the-back relationship; that the golf bag defines a pair of shoulder straps 586 secured to the outer surface of a front panel 504 of the golf bag; that the golf bag defines an open top end and a closed bottom end; that the golf bag defines a longitudinal axis extending through the top and bottom ends of the bag; and that the golf bag includes a support member 500 defined by a continuous, generally U-shaped strip of material which has been bent and shaped to define an arcuate central body which is secured to the outer surface of the front panel of the bag and a pair of spaced apart, generally parallel arms which extend outwardly from respective ends of the arcuate central body.

Claim 21 has still further been amended to recite that the support member is secured to the front panel at a point along the longitudinal axis of the bag whereby the support member is located opposite the small of the back of the individual carrying the bag with the bag being carried by its shoulder straps in its generally vertical orientation.

Moreover, claim 21 has been amended to recite that the support member is made of a rigid and flexible material which allows the arms to flex away from each other for adjusting the width of the support member and further allows the arms to spring back towards each other and into engagement with the waist and/or hips of the user.

Neither Buck nor Chen discloses or suggests a golf bag as recited in amended independent claim 21. Initially, it is noted that neither Buck nor Chen discloses or suggests a golf bag with a support member including arms adapted to rest against the waist and/or hips of the individual carrying the bag. Instead, Buck and Chen disclose only golf bags with legs which allow the bags to be propped up. There is no teaching or suggestion that the legs disclosed therein could also be wrapped around the waist of the individual carrying the golf bag as in the present invention for redistributing the weight of the bag and golf clubs from the shoulders of the individual carrying the bag to the waist or hips of the individual carrying the bag as in the present invention as recited in claim 21.

Moreover, and even if the legs could so be used, Applicant notes that the legs, by virtue of their intended purpose as stands for the respective golf bags, are mounted to the bag at the top of the bag and on the respective back panels thereof opposite the front panel of the golf bag which includes the handle and/or strap thereon.

Claim 21 as amended also recites that the support member is positioned on the front panel of the golf bag adapted to rest against the back of the individual carrying the bag and, more specifically, at a point along the longitudinal axis of the bag whereby the body of the support member rests against the small of the back of the individual carrying the bag.

As explained above, both Buck and Chen teach away from the support member of the present invention because the respective purposes of the respective legs disclosed therein are completely non-analogous and opposite, one is directed to the use of legs for the intended purpose of supporting the bag in an upright position on the ground while the other is directed to the use of arms which are adapted to hold the golf bag about the waist or hips of the individual carrying the bag for the intended purpose of redistributing the weight of the bag and clubs from the shoulders and back of the individual carrying the bag to the waist and hips of the individual.

Thus, Applicant contends that it would not have been obvious for one of ordinary skill in the art to look to the teachings of either Buck or Chen in the pursuit of finding a solution to the problem solved by the present invention, i.e., redistribution of the weight of a golf bag and its contents from the shoulders and back to the waist and hips.

Still further, neither Buck nor Chen disclose or suggest a generally U-shaped support member with an arcuate central body.

Dependent claims 22 and 24 have been cancelled without prejudice.

Dependent claims 23 and 25-27, being dependent upon allowable independent claim 21 as presently amended, are allowable for the same reasons as amended independent claim 21.

Dependent claims 28-30 have been cancelled without prejudice.

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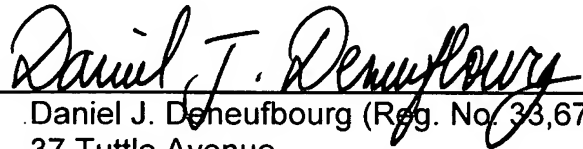
21

Applicant thus contends that the application is now in condition for allowance in view of the amendments and remarks above. Thus, the allowance of claims 1, 5-9, 15, 17,19, 21, 23, 25-27, and 30 and the passing of this application to issue are now respectfully requested.

Respectfully submitted,

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By



Daniel J. Deneufbourg (Reg. No. 33,675)  
37 Tuttle Avenue  
Clarendon Hills, Illinois 60514  
Phone: (630) 789-0919

Customer No. 000049055